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Attorneys for Wellgen Standard, LLC

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re:

LAYFIELD & BARRETT, APC,

Debtor.

) Case No. 2:17-bk-19548-NB

)

) Chapter 11

)

) **DECLARATION OF ROGER G.**

) **JONES IN SUPPORT OF**

) **OBJECTION TO TRUSTEE'S**

) **MOTION TO SURCHARGE**

) **CREDITOR'S COLLATERAL**

)

)

)

I, Roger G. Jones, hereby declare:

1. I, Roger G. Jones, am over the age of 18, make this declaration based on my own personal knowledge and am competent to testify to the matters contained herein if called upon to do so.

2. I am an attorney at Bradley Arant Boult Cummings, LLP. I have acted as counsel to Advocate Capital, Inc. ("Advocate"), and its successor-in-interest, Wellgen Standard, LLC ("Wellgen") in this case.

3. Following the appointment of Mr. Richard M. Pachulski (the "Trustee") as the Chapter 11 Trustee in this case, the Trustee's counsel, Malhar S. Pagay and Debra Grassgreen, repeatedly contacted me asking that Advocate consent to payment of the Trustee's fees and expenses from Advocate's collateral. Each time, I responded that Advocate could not agree to a blank check and asked the Trustee's counsel to submit a proposed budget of the expenses to be incurred and a description of the work to be performed. Each time, the Trustee's counsel agreed to provide a budget, but never did so.

4. Neither Advocate nor Wellgen ever consented to payment of the Trustee's fees and expenses from their collateral because the Trustee failed or refused to provide a proposed budget.

I declare to the best of my knowledge under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this the 26th day of March, 2018.



Roger G. Jones

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

650 Town Center Drive, Suite 950, Costa Mesa, California 92626

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF ROGER G. JONES IN SUPPORT OF OBJECTION TO TRUSTEE'S MOTION TO SURCHARGE CREDITOR'S COLLATERAL** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **March 26, 2018**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **March 26, 2018**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **March 26, 2018**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Neil Bason, 255 E. Temple Street, Los Angeles, CA 90012

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



March 26, 2018

Date

Kelly Adele

Printed Name

Signature

VIA U.S. MAIL

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Fka Layfield & Wallace, APC
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